

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 48 and 55-58 are pending in the present application. Claim 55 is the independent claim.

Claims 45 and 47 have been cancelled without prejudice or disclaimer. Claim 55 has been amended to include the features previously found in dependent claim 47. No new matter has been added.

Claims 48 and 55-58 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,597,999 to Kinba et al. All rejections are respectfully traversed.

Independent claim 55 recites, *inter alia*, "a first focusing estimating device to produce focusing information on the basis of a level of a predetermined frequency component included in the electrical signal of the image pickup element", "a storage device to store into a memory a correction value when said first focus estimating portion creates the focusing information indicating that the image on the image pickup element is focused on the object", and "a second focusing estimating device including an imaging lens to image at least a part of light of the object image, split from said photographing optical system, an image re-forming system to re-form images of light beams having passed locations different on pupil position of the imaging lens, a light receiving device to receive the light beams of the images formed by the image re-forming system, a positional deviation detecting device to detect an imaging positional deviation on the light receiving device, and a correcting device to correct the imaging positional deviation detected by the positional deviation detecting device with the correction value stored in the memory, said second focusing estimating device generating second focusing information to focus the image of the object on said image pickup element with respect to the object".

It is respectfully submitted that the asserted citation does not teach or suggest at least the aforementioned features of amended independent claim 55.

Kinba et al. is directed to an auto focus detecting device capable of focus detection by a contrast detecting method and a phase-difference detecting method. (Abstract). At page 4, the Office Action asserts that Kinba et al. discloses a storage device for storing a correction value. Applicants, however, respectfully disagree.

Applicants respectfully submit that Kinba et al. merely discloses effecting calculation in the so-called crest climbing AF and the so-called phase difference AF. More specifically, Kinba et al. merely discloses that it is sufficient to cause the in-focus state using either crest climbing

AF or phase difference AF. According to Kinba et al., when contrast is low, the focusing operation is switched to the crest climbing AF rather than the phase difference AF. The phase difference AF is utilized when the direction is uncertain in the crest climbing AF. Thus, Kinba et al. fails to disclose or suggest that the precision of autofocus may be enhanced.

Applicants note that Kinba, et al., in contrast to the present invention, teaches a structure in which, after performing coarse adjustment by the phase difference AF, fine focusing adjustment is performed by the crest climbing AF. Rough distance information can be obtained using the phase difference AF. See, e.g., Fig. 6 and col. 4, lines 37. Thus, Applicants respectfully submit that Kinba et al. fails to teach or suggest a first focusing estimating device, a storage device, or a second focusing estimating device as recited in independent claim 55. Consequently, Kinba et al. fails to disclose or suggest correcting the imaging positional deviation of the second focusing estimating device with the correction value recorded when the image of an object has been rendered in-focus by the first focus estimating device.

In view of the foregoing, it is respectfully submitted that the asserted combination does not teach or suggest at least the aforementioned features of independent claim 55.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 55 under 35 U.S.C. §103 is respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claim patentably defines the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

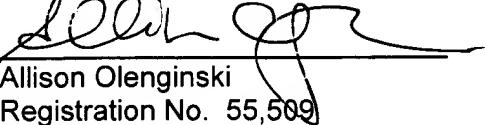
Serial No. 09/550,640

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 20 September 2006

By: 
Allison Olenginski
Registration No. 55,509

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501